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Attorneys for Plaintiff GUESS?, Inc.

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

GUESS?, INC., a Delaware corporation,

Plaintiff,

v.

JHANE BARNES PROPERTIES, INC., a New  
York corporation, and DOES 1 through 20,  
inclusive,

Defendants.

Index Number: 07-CV-7308 (CM)

Judge: Honorable Colleen McMahon

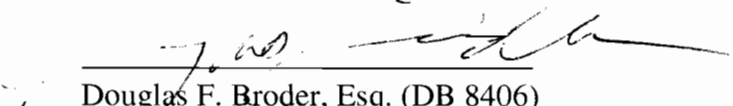
**NOTICE OF MOTION FOR  
ADMISSION PRO HAC VICE**

GUESS?, INC., (hereafter, "GUESS?" or "Plaintiff") through its attorneys, hereby applies to this Court for an Order pursuant to Local Rule 1.3(c) admitting Mark D. Baute *pro hac* vice for all purposes in this matter. In support of its application, Plaintiff relies upon the Affidavit of Douglas F. Broder, sworn to on August 16, 2007 ("Broder Affidavit") attached hereto, the

Declaration of Mark D. Baute dated August 15, 2007, attached as Exhibit A to the Broder Affidavit, and the Certificate of Good Standing of Mark D. Baute is attached as Exhibit B to the Broder Affidavit.

August 16, 2007

KIRKPATRICK & LOCKHART PRESTON  
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*Attorneys for Plaintiff, Guess?, INC.*

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**AFFIDAVIT OF DOUGLAS F. BRODER IN  
SUPPORT OF PRO HAC VICE  
ADMISSION FOR MARK D BAUTE**

STATE OF NEW YORK     )  
  ) ss.  
COUNTY OF NEW YORK    )

Douglas F. Broder, being duly sworn, deposes and says:

1. I am an attorney duly admitted to practice before the courts of this State and I am a partner of the law firm of Kirkpatrick & Lockhart Preston Ellis Gates LLP, counsel for plaintiff GUESS?, Inc. ("GUESS?" or "Plaintiff") in this action.

2. I respectfully submit this affidavit in support of the motion to admit my colleague Mark D. Baute of Baute & Tidus LLP, 777 South Figueroa Street, Suite 1100, Los Angeles, California 90017, *pro hac vice*.

3. Plaintiff requests that Mark D. Baute appear on its behalf in this action. Mr. Baute is familiar with Plaintiff and the facts at issue in the above-captioned matter and is a member in good standing of the Bar of the State of California.

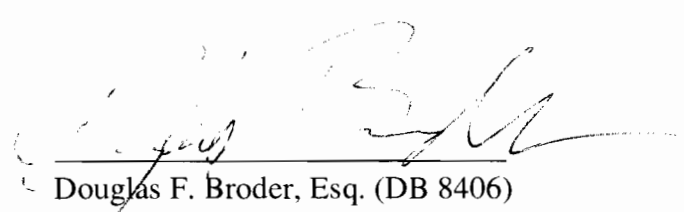
4. I attach hereto as Exhibit A the declaration of Mark D. Baute, executed on August 15, 2007.

5. I attach hereto as Exhibit B a copy of the Certificate of Good Standing issued to Mr. Baute on August 16, 2007.

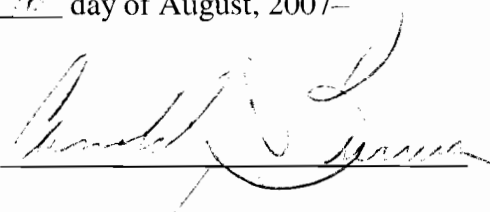
**WHEREFORE** it is respectfully requested that the motion to admit Mark D. Baute *pro hac vice* be granted.

Dated: New York, New York

August 16, 2007

  
Douglas F. Broder, Esq. (DB 8406)

Sworn to before me this  
16 day of August, 2007—

  
**ARNOLD J. BURRUS**  
Notary Public, State of New York  
No. 41-4720413  
Qualified in Queens County  
Certificate Filed in New York County  
Commission Expires March 30, 2011

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**DECLARATION OF MARK D. BAUTE  
IN SUPPORT OF APPLICATION FOR  
PRO HAC VICE ADMISSION**

MARK D. BAUTE declares

1. I am a partner with the law firm of Baute & Tidus LLP, attorneys for the plaintiff GUESS?, Inc. ("GUESS?" or "Plaintiff") in the above-captioned matter. I submit this declaration in support of my application for admission *pro hac vice*.

2. I graduated from the University of California, Los Angeles, School of Law in 1986. I was admitted to the Bar of the State of California in 1987. I have remained in good standing since the date of my admission.

3. I have never been held in contempt by any court in any jurisdiction.

4. I have never been censured, suspended or disbarred by any court in any jurisdiction.

5. I have read and am familiar with (a) the provisions of the Judicial Code (Title 28, U.S.C.) which pertain to the jurisdiction of, and practice in, the United States District Courts; (b) the Federal Rules of Civil Procedure; (c) the Federal Rules of Criminal Procedure; (d) the Federal Rules of Evidence; (e) the Local Rules of the United States District Court for the Southern and Eastern Districts of New York; and (f) the New York State Lawyer's Code of Professional Responsibility as adopted from time to time by the Appellate Divisions of the State of New York.

6. I will faithfully adhere to all rules applicable to my conduct in connection with any activities in this court.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 15, 2007

A handwritten signature in black ink, appearing to read "Mark D. Baute", written over a horizontal line.

Mark D. Baute



# THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

August 16, 2007

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, MARK DOUGLAS BAUTE #127329 was admitted to the practice of law in this state by the Supreme Court of California on February 12, 1987; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; that the public record states that information has been provided pursuant to Business and Professions Code section 6086.1(c); and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert".

Kath Lambert  
Custodian of Membership Records

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**ORDER GRANTING PRO HAC VICE  
ADMISSION OF MARK D. BAUTE**

Upon consideration of the plaintiff's motion for the *pro hac vice* admission of Mark D. Baute, Esq. dated August 16, 2007, the Declaration of Mark D. Baute, Dated August 15, 2007, and the Certificate of Good Standing issued to Mr. Baute on February 23, 2007, and good cause having been shown, it is hereby:



ORDERED, that Mark D. Baute be, and hereby is, granted *pro hac vice* admission pursuant to Local Rule 1.3 (c) for all purposes in this action.

Dated: \_\_\_\_\_, 2007

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United States District Judge

Douglas F. Broder (DB 8406)  
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*Original*

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**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK     )  
  ) ss.  
COUNTY OF NEW YORK )

ROXANA I. BOBOC, being duly sworn, deposes and says: